

REMARKS

Claims 1-74 are pending in the present application. Claims 1, 2, 5, 6, and 10 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,483,434 (UmiKer). Claims 3, 4, 7-9, 11-23, 28-35, 40, 50-68, and 72 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the UmiKer reference. Claims 24-27, 36, 73, and 74 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. Claims 37-39, 41-49, and 69-71 were allowed.

Claim 1 is an independent apparatus claim and claims 2-10 are dependent on claim 1. Claim 1 has been amended to distinguish over the UmiKer reference under 35 U.S.C. § 102(e) by defining the communications device as including a wireless device and further defined as being located entirely within the structure and accessible for external physical observation through a covered opening.

As understood, the UmiKer reference discloses a container tracking system that includes a carrier, a tag or transponder mounted on the carrier, a plurality of read/write units or interrogators located throughout a networked distribution system and a remote computer or processing unit. The present invention, as defined by claim 1, as amended, eliminates the need for read/write units and includes a wireless device, which is located within the structure and accessible for external physical observation through a covered opening. Clearly, the UmiKer

reference does not disclose or suggest these features. For these reasons, it is submitted that claim 1, as amended, and claims 2-10 dependent thereon are patentable over the UmiKer reference under 35 U.S.C. § 102(e) and reconsideration and allowance thereof is respectfully requested.

Claim 11 is an independent apparatus claim, and claims 12-22 depend from claim 11. Claim 11 has been amended to now define a plastic pallet that includes a first member of polymeric material and at least a second member of polymeric material permanently attached to the first member and there being formed between the members a hollow section serviceable through an opening formed on at least the first and second members. Further, claim 11 has been amended to define a cover of polymeric material that closes the opening, and an electronic device is defined as sheltered within the hollow section and accessed by the removal of the cover from the opening. It is submitted that these features of claim 11 as amended are neither disclosed nor suggested by the UmiKer reference under 35 U.S.C. § 103(a).

Claims 12-19 have been amended in view of the above-discussed amendments made to claim 11. Accordingly, it is submitted that claims 11-22, as amended, are patentable over the UmiKer reference under 35 U.S.C. § 103(a) and reconsideration and allowance thereof is respectfully requested.

Claim 23 is an independent apparatus claim, and claims 24-31 depend from claim 23. Claim 23 has been amended to distinguish over the UmiKer reference under 35 U.S.C. § 103(a) by defining a wireless device located within the pallet and accessible through a

covered opening while being substantially prevented from physical external exposure. It is submitted that these features are neither disclosed nor suggested by the UmiKer reference. Accordingly, reconsideration and allowance of claim 23, as amended, and claims 24-31 being dependent thereon over the UmiKer reference is respectfully requested.

Claim 32 is an independent claim, and claims 33-36 depend from claim 32. Claim 32 has been amended to now include the feature of an external interrogator containing externally readable data. It is submitted that this feature is neither disclosed nor suggested by the UmiKer reference and claim 32, as amended, is patentable over the UmiKer reference under 35 U.S.C. § 103(a). Therefore, reconsideration and allowance of claim 32, as amended, and claims 33-36 being dependent thereon is respectfully requested.

Claim 40 is an independent apparatus claim defining a fluid carrying tank made from at least two sheets of heat formable polymeric materials, and an electrical wireless communications device located inside of the tank. It is submitted that the UmiKer reference neither discloses nor suggests an electrical wireless communications device located within a fluid carrying tank. For this reason, it is submitted that claim 40 is patentable over the UmiKer reference under 35 U.S.C. § 103(a) and reconsideration and allowance thereof is respectfully requested.

Claim 50 is an independent method claim, and claims 51-60 depend from claim 50. Claim 50 has been amended to now define the step of defining a wireless communications device and attaching

the wireless communications device to the sheet. Thereafter, the sheet is heated and the sheet is formed with the wireless communications device encapsulated in the sheet.

It is submitted that the UmiKer reference neither discloses or suggests the method steps as defined by claim 50, as amended, under 35 U.S.C. § 103(a). Therefore, reconsideration and allowance of claim 50, as amended, and claims 51-60 depending therefrom is respectfully requested.

Claim 61 is an independent method claim, and claims 62 and 63 depend therefrom. Claim 61 has been amended to include the method step of encapsulating the tag inside of the sheets such that the tag is hidden from physical external visibility. It is submitted that this method step is neither disclosed nor suggested by the UmiKer reference under 35 U.S.C. § 103(a). Therefore, reconsideration and allowance of claim 61, as amended, and claims 62 and 63 depending therefrom is respectfully requested.

Claim 64 is an independent method claim, and claims 65-68 depend therefrom. Claim 64 has been amended to include the method step of encapsulating the electronic device within the portion of the pallet such that the electronic device is hidden from physical external visibility. It is submitted that the method steps as defined by claim 64, as amended, are neither disclosed nor suggested under 35 U.S.C. § 103(a) by the UmiKer reference. Accordingly, reconsideration and allowance of claim 64, as amended, and claims 65-68 depending therefrom is respectfully requested.

Claim 72 is an independent method claim, and previously

submitted dependent claim 73 has been cancelled. Claim 74 depends from claim 72.

Claim 72 has been amended to now include the method step of activating an indicator after an interrogator has received information from the identification device. It is submitted that the method steps as defined by claim 72, as amended, are neither disclosed nor suggested by the UmiKer reference under 35 U.S.C. § 103(a). Accordingly, reconsideration and allowance of claim 72, as amended, and claim 74 depending therefrom is respectfully requested.

Accordingly, in view of the above amendments, explanations and remarks, reconsideration and allowance of claims 1-36, 40, 50-68, 72, and 74, in addition to allowed claims 37-39, 41-49, and 69-71 is respectfully requested.

Respectfully submitted,



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